

**Subpart A—Hass Avocado Promotion, Research, and Information Order**

SOURCE: 67 FR 56897, Sept. 6, 2002, unless otherwise noted.

**DEFINITIONS**

**§ 1219.1 Act.**

*Act* means the Hass Avocado Promotion, Research, and Information Act of 2000, Public Law 106–387, 7 U.S.C. 7801–7813, and any amendments thereto.

**§ 1219.2 Association.**

*Association* means an avocado organization established by State statute in a State with the majority of Hass avocado production in the United States.

**§ 1219.3 Conflict of interest.**

*Conflict of interest* means a situation in which a Board member or employee has a direct or indirect financial interest in a person who performs a service for, or enters into a contract with, the Board for anything of economic value.

**§ 1219.4 Consumer information.**

*Consumer information* means any action or program that disseminates or otherwise provides information to consumers and other persons, on the use, nutritional attributes, and other information that will assist consumers and other persons in the United States in making evaluations and decisions regarding the purchase, preparation, and use of Hass avocados.

**§ 1219.5 Crop year.**

*Crop year* means the period from November 1 of one year through October 31 of the following year, or such other one-year period recommended by the Board and approved by the Secretary.

**§ 1219.6 Customs.**

*Customs* means the United States Customs Service.

**§ 1219.7 Department.**

*Department* means the United States Department of Agriculture.

**§ 1219.8 Exempt handler.**

*Exempt handler* means a person who would otherwise be considered a first handler, except that all Hass avocados purchased by the person have already been subject to assessments under the Order. A person who handles both Hass avocados that have already been subject to assessments under the Order and Hass avocados that have not been subject to assessments under the Order is a first handler.

**§ 1219.9 First handler.**

*First handler* means a person operating in the Hass avocado marketing system that sells domestic or imported Hass avocados for consumption in the United States and who is responsible for remitting assessments to the Board. For the purposes of the Order, the term means the first person who handles Hass avocados for sale (except a common or contract carrier of Hass avocados owned by another person), including a producer who handles Hass avocados for sale of the producer's own production.

**§ 1219.10 Fiscal period or marketing year.**

*Fiscal period or marketing year* means the period beginning on November 1 of any year and extending through the last day of October of the following year, or such other consecutive 12-month period as shall be recommended by the Board and approved by the Secretary.

**§ 1219.11 Handle.**

*Handle* means to pack, process, transport, purchase, or in any other way to place or cause Hass avocados to which one has title or possession to be placed in the current of commerce. Such term shall not include the transportation or delivery of Hass avocados by the producer thereof to a handler.

**§ 1219.12 Hass avocado.**

*Hass avocado* means the fruit grown in or imported into the United States of the species *Persea americana* Mill., or other type of avocados that, in the determination of the Board, with approval of the Secretary, is so similar to

## Agricultural Marketing Service, USDA

## § 1219.25

the Hass variety avocado as to be indistinguishable to consumers in fresh form. The term shall include all fruit in fresh, frozen, or any other processed form.

### § 1219.13 Hass Avocado Board.

*Hass Avocado Board* or *the Board* means the administrative body established pursuant to § 1219.40.

### § 1219.14 Importer.

*Importer* means any person who imports Hass avocados into the United States. The term includes a person who holds title to Hass avocados produced outside of the United States immediately upon release by Customs, as well as any person who acts on behalf of others, as an agent, broker, or consignee, to secure the release of Hass avocados from Customs and the introduction of the released Hass avocados into the current of commerce and who is listed in the import records of Customs as the importer of record for such Hass avocados.

### § 1219.15 Industry information.

*Industry information* means information, programs, and activities that are designed to increase efficiency in processing, enhance the development of new markets and marketing strategies, increase marketing efficiency, and enhance the image of Hass avocados and the Hass avocado industry in the United States.

### § 1219.16 Marketing.

*Marketing* means any activity related to the sale or other disposition of Hass avocados in any channel of commerce.

### § 1219.17 Order.

*Order* means this subpart.

### § 1219.18 Part and subpart.

*Part* means the Order and all rules, regulations, and supplemental orders issued pursuant to the Act and the Order. The Order itself shall be a *subpart* of such part.

### § 1219.19 Person.

*Person* means any individual, group of individuals, firm, partnership, corporation, joint stock company, associa-

tion, cooperative, or any other legal entity.

### § 1219.20 Producer.

*Producer* means any person who is engaged in the business of producing Hass avocados in the United States for commercial use, who owns, or shares the ownership and risk of loss, of such Hass avocados.

### § 1219.21 Programs, plans, and projects.

*Programs, plans, and projects* means those research, promotion, and information programs, plans, studies, or projects established pursuant to § 1219.50.

### § 1219.22 Promotion.

*Promotion* means any action to advance the image, desirability, or marketability of Hass avocados in the United States, including paid advertising, sales promotion, and publicity. Promotion activities are designed to improve the competitive position and stimulate sales of Hass avocados in the domestic marketplace.

### § 1219.23 Research.

*Research* means any type of test, study, or analysis relating to market research, market development, and market efforts, or relating to the use, quality, or nutritional value of Hass avocados, other related food science research, or research designed to advance the knowledge, image, desirability, usage, or marketability of Hass avocados in the United States.

### § 1219.24 Secretary.

*Secretary* means the Secretary of Agriculture of the United States or any other officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

### § 1219.25 State.

*State* means any of the several 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the